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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,042	09/11/2003	Armin Horn	TAIG-1013-US0	1815
26614	7590	12/29/2004	EXAMINER	
PEPE & HAZARD, LLP 225 ASYLUM ST. HARTFORD, CT 06103			COHEN, AMY R	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,042

Applicant(s)

HORN, ARMIN

Examiner

Amy R Cohen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities:

Claim 7, line 4 the term "two angular legs" is repeated.

Claim 7, lines 8-14 contains awkward phrasing.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14, 18-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Serruys (U. S. Patent No. 6,727,986).

Serruys teaches a method for determining the length of at least one of two legs of a workpiece (6) seated in a bending die (Fig. 1), the legs having been bent toward each other by means of the bending die at a bending angle (A) whose vertex is located at the point of intersection of the straight, angle forming projections of the legs of the bent part (Fig. 3), with one end of the leg to be measured limiting the latter on the far side opposite the bending angle vertex (Col 4, lines 15-57), comprising: holding the object part in the bending die (Col 4, lines 15-25); determining the position of the bending angle vertex and the position of the end of the

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leg (Col 4, lines 15-57 and Col 6, lines 45-55); and from the respective position of the bending angle vertex and of the end thus determined, calculating the length of the leg as the distance between said bending angle vertex and the said end (Col 4, lines 15-57).

Serruys teaches the method for determining the length of at least one of two legs of a workpiece wherein the workpiece is retained in the bending die in a defined position (Col 4, lines 15-25).

Serruys teaches the method for determining the length of at least one of two legs of a workpiece wherein the position of the bending angle vertex is determined by initially determining the bending angle (Figs. 3-5 and Col 5, lines 19-45).

Serruys teaches the method for determining the length of at least one of two legs of a workpiece wherein, during the step of determining the position of the bending angle vertex, the workpiece is supported on a backing surface and the position of the bending angle vertex is determined on the basis of the position in which the workpiece is supported on the backing surface (Figs. 3-5 and Col 5, lines 7-45).

Serruys teaches the method for determining the length of at least one of two legs of a workpiece wherein the position of the bending angle vertex is determined by measuring the bending angle by optical means (Col 3, lines 30-62).

Serruys teaches the method for determining the length of at least one of two legs of a workpiece wherein the position of the end of the leg of the workpiece is determined by measuring the bending angle by optical means (Col 3, lines 30-62).

Serruys teaches a method for bending workpieces comprising the steps of: placing a workpiece in a bending die (Col 3, lines 30-62); bending two angular legs of a workpiece toward

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each other in the bending die at a bending angle to produce a bent workpiece (Col 3, lines 30-62); and determining the length of at least one of said legs is determined from the bending angle vertex located at the point of intersection of the straight projections of the legs that form the angle of the legs of the workpiece and from the end of the leg delimiting the latter on the far side from the bending angle vertex (Col 4, lines 15-57 and Col 5, lines 19-45).

Serruys teaches the method for bending workpieces wherein the actual value obtained as a result of the determination of the length of a leg is compared to a leg length set point value and that the result of said actual value/set point value comparison is used to define at least one parameter of significance for the length in a subsequent bending step (Col 4, lines 15-57).

Serruys teaches an apparatus (Fig. 1) for determining the length of at least one out of two legs of a workpiece (6) seated in a bending die (4, 5), the legs having been bent toward each other by means of the bending die at a bending angle whose bending angle vertex is located at the point of intersection of the straight projections of the legs forming the angle of the legs of the workpiece (Figs. 1-5) while an end of the leg concerned delimits the latter on the far side from the bending angle vertex (Figs. 1-5), said apparatus including: a system for determining the position of the bending angle vertex (Col 5, lines 19-45); a unit (9) for determining the position of the end; and an evaluation unit (18), said system and unit permitting the determination of the position of the bending angle vertex and the position of the end of a bent workpiece held in the bending die in a defined position, and said evaluation unit processing data on the position of the bending angle vertex and of the end to determine the length as the distance between the bending angle vertex and the end (Col 4, lines 15-57 and Col 5, lines 19-45).

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Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece wherein a retaining element is provided for the determination of the position of the bending angle vertex and the determination of the position of the end, with the workpiece being held in specifically defined fashion in the bending die (Figs. 3-5).

Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece wherein the system for determining the position of the bending angle vertex includes a unit serving to measure the bending angle (Col 5, lines 19-45) as well as a processor (18) that connects to the unit measuring the bending angle and to the evaluation unit, said processor determining the position of the bending angle vertex on the basis of the bending angle thus measured (Col 5, lines 19-45).

Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece wherein the system for determining the position of the bending angle vertex includes a processor connected to the evaluation unit, and a backing surface supporting the workpiece for the determination of the position of the bending angle vertex, said processor determining the position of the bending angle vertex on the basis of the position of the support for the workpiece on the backing surface (Figs. 3-5 and Col 5, lines 19-45).

Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece wherein the unit measuring the bending angle is an optical measuring tool (Col 3, lines 30-62).

Serruys teaches the apparatus for determining the length of the least one of two legs of a workpiece wherein the unit serving to determine the position of the end includes a detection and acquisition unit for capturing the position of the end, and a processor connected to the detection

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and acquisition unit and also to the evaluation unit, said processor determining the position of the end on the basis of the position of the end captured by the detection and acquisition unit (Figs. 1-3 and Col 4, lines 15-57).

Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece wherein the detection and acquisition unit serving to capture the position of the end is an optical image acquisition unit (Col 3, lines 30-62).

Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece mounted in a device for bending workpieces including a bending die (4, 5) by means of which at least two legs of a workpiece can be bent toward each other to produce a bent workpiece with a bending angle whose bending angle vertex is located at the point of intersection of the projections forming the angle of the legs of the bent workpiece (Figs. 1, 3-5), and an end of the respective leg delimiting the latter on the far side opposite the bending angle vertex (Figs. 1, 3-5), and, additionally, a system for determining the length of a leg (Col 4, lines 15-57).

Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece wherein the bending die (4, 5) itself serves as the retaining element for the defined placement of the workpiece for the determination of the bending angle vertex and/or for the determination of the position of the end (Figs. 1, 3-5 and Col 3, lines 30-62).

Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece wherein a backing surface supporting the workpiece for the determination of the position of the bending angle vertex is provided by the bending die (Figs. 1, 3-5).

Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece wherein a contact sensor assembly in the detection and acquisition unit serving to capture the position of the end constituted of a positioning stop of the bending device against which the workpiece can be set for appropriate positioning relative to the bending die prior to being processed (Figs. 1, 3-5 and Col 3, lines 30-62).

Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece an optical detection and acquisition unit (10) for capturing the position of the end is at least in part mounted on a positioning stop of the bending device (Figs. 1, 3-5).

Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece wherein the positioning stop is preferably movable by the control system (Col 3, lines 30-62).

Serruys teaches the apparatus for determining the length of at least one of two legs of a workpiece wherein, for determining the length of a leg, said evaluation unit is a part of a system controller in which at least one set point value for the length is stored and by means of which an actual length value can be compared against a length set point value, and, on the basis of the result of the actual versus set point length comparison, at least one parameter controlling the length in at least one subsequent bending operation can be defined (Col 3, lines 30-62 and Col 4, lines 15-57).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serruys in view of Sartorio et al. (U. S. Patent No. 5,099,666).

Serruys discloses the apparatus for determining the length of at least one of two legs of a workpiece as described above in paragraph 3.

Serruys does not disclose the apparatus wherein the detection and acquisition unit serving to capture the position of the end may include a tactile contact sensor assembly that can be brought into contact with the end; wherein the contact sensor assembly that is in contact with the end is capable of moving with the end during the bending process; wherein the contact sensor assembly comprises a positioning stop lug for the workpiece to be bent.

Sartorio et al. discloses an apparatus for determining the length of at least one of two legs of a workpiece wherein the detection and acquisition unit serving to capture the position of the end may include a tactile contact sensor assembly that can be brought into contact with the end (Fig. 6, Col 6, line 53-Col 7, line 14); wherein the contact sensor assembly that is in contact with the end is capable of moving with the end during the bending process (Fig. 6, Col 6, line 53-Col 7, line 14); wherein the contact sensor assembly comprises a positioning stop lug for the workpiece to be bent (Fig. 6, Col 6, line 53-Col 7, line 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Serruys to have a contact sensor assembly which can be brought into contact with the end, as taught by Sartorio et al., so that the sensor assembly could physically contact the workpiece as it is being bent, creating a more direct measurement.

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Conclusion

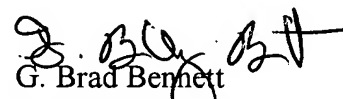
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose bending apparatus Nagakura (U. S. Patent No. 6,722,181), Brinkman et al. (U. S. Patent No. 6,480,269), Yamada (U. S. Patent No. 6,473,537), Otani et al. (U. S. Patent No. 6,163,374), Ooenoki et al. (U. S. Patent No. 5,899,964), Ooenoki et al. (U. S. Patent No. 5,661,671), Kitabayashi et al. (U. S. Patent No. 5,531,087), and Hametner et al. (U. S. Patent No. 5,046,852).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC
December 23, 2004


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